

REMARKS

Applicants thank the Examiner for his timely and thorough Office Action and accompanying search of the prior art. Applicants, by this Amendment, have amended the Claims to overcome all deficiencies noted in the Examiner's Office Action. After entry of this Amendment Claims 1, 3 – 8 and 18 - 36 remain in the Application.

In the Office Action the Examiner stated that new drawings are required contingent upon allowance.

Applicants will timely file revised formal drawings after allowable subject matter is identified in the Application.

Continuing in the Office Action, the Examiner stated that the restriction requirement was made final earlier in the prosecution of the Application in Paper 5.

The Examiner continued in the Office Action, rejecting Claims 26 – 27 under 35 U.S.C. 112, second paragraph, as being improper multiple dependent claims. The Examiner observed that a multiple dependent claim shall contain a reference in the alternative only to more than one claim. The Examiner stated that the Applicants may not conjoin the multiple dependent claims with the union of two concurrently referenced claim limitations.

Claims 26 – 27 have been amended to claim multiple dependency in the alternative. While reviewing the application file in preparing this Response, Applicants noticed a similar problem existed with Claims 7 - 8 as was present with Claims 26 – 27.

Applicants have also amended Claims 7 – 8 to claim multiple dependency in the alternative.

The Examiner continued in the Office Action, rejecting Claims 1 – 5, 7, 18 – 24 and 26 under 35 U.S.C. 102(b) as being anticipated by Veeneman et al. (U.S. Patent No. 5,652,421; hereinafter referred to as “Veeneman”). According to the Examiner, Veeneman discloses:

(re: Claims 1 and 21) apparatus for dispensing at least one indicium of value (gift certificate) in cooperation with an attached companion device a companion device with delivery of a product apparatus (sic) (26 envelope dispenser) comprising:

control means for controlling dispensing (24);

actuator coupled to control means (14/48);

link for effecting cooperation (FIG. 3).

(re: Claim 21) apparatus and companion device assembled in unitary configuration (600/602).

(re: Claim 2) companion means including a dispensing means (26).

(re: Claims 3 and 22) communication means for communicating (Col. 6, lines 16 – 27; Col. 5, lines 1 - 3);

memory means for storing operational information (Col. 5, lines 5 – 24).

(re: Claims 4 and 23) communication means comprises a telephone connection with a remote controlling station (Col. 6, lines 16 – 27; Col. 5, lines 1 - 3).

(re: Claims 5 and 24) communication means comprises an input access port for providing control by an operator (Col. 3, lines 30 - 35).

(re: Claims 7 and 26) at least one item of value comprises a coupon redeemable for at least one second product (Col. 15, lines 5 – 65).

**(re: Claim 18) method for dispensing at least one item of value from an apparatus in cooperation with operation of a companion device comprising providing a control means for controlling a providing (24);
providing a control means for controlling a providing(24);
providing a means for effecting dispensing means (14/48);
providing a link for effecting cooperation (FIG. 3).**

(re: Claim 19) communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus (Col. 6, lines 16 – 27; Col. 5, lines 1 - 3);

providing a memory means for storing operational information (Col. 5, lines 5 – 24).

(re: Claim 20) communicating a directive comprising a change from a remote locus (Col. 6, lines 16 – 27; Col. 5, lines 1 - 3).

Applicants respectfully traverse the Examiner's rejection of Claims 1 – 5, 7, 18 – 24 and 26 under 35 U.S.C. 102(b) as being anticipated by Veeneman. Veeneman discloses a vending apparatus for providing gift certificates purchased by a credit card (Veeneman; Abstract). The Examiner characterized the accompanying envelope for the purchased gift certificate (not mentioned specifically by Veeneman except by a reference to an envelope dispensing slot 20; Col 3, line 41) as fulfilling the requirement for a substantially contemporaneous product delivery. Applicants submit that that is too much of a stretch to support a rejection under 35 U.S.C 102 or 35 U.S.C. 103.

Such arguments are moot however because the claims have been amended in at least two important aspects: (1) the dispensing of at least one indicium of value is now specifically recited as a claim element. It is no longer recited in the preamble of the claims. (2) The dispensing of at least one indicium of value is now specifically recited as occurring responsive to the exercising of an actuator by a user to initiate purchase of a product from the companion device. New Claims 28 – 36 have been added to more specifically claim the apparatus of the present invention in its preferred embodiment involving a newspaper vending device.

Veeneman does not teach, disclose, show, suggest, or in any way render obvious an apparatus for dispensing at least one indicium of value in response to a user initiating purchase of a product. Veeneman does not teach, disclose, show, suggest, or in any way render obvious the apparatus or method of the invention as presently claimed in any of Claims 1, 3 – 8 and 18 - 36 (the claims that remain in the Application). Claims 3 – 8, 19 – 20, 22 – 27 and 29 – 36 depend from allowable independent claims and are, therefore, themselves allowable.

The Examiner continued in the Office Action, rejecting Claims 1 – 3, 5 – 6 and 18 – 20 under 35 U.S.C. 102 (b) as being anticipated by Ramsey et al. (U.S. Patent No.

5,842,188; hereinafter referred to as "Ramsey"). According to the Examiner, Ramsey discloses:

(re: Claims 1 and 21) apparatus for dispensing at least one indicium of value (Col. 3, lines 34 – 37) in cooperation with an attached companion device a companion device with delivery of a product apparatus (sic) comprising:

control means for controlling dispensing (Col. 9, lines 45 – 52; Col. 9, line 64 – Col. 10, line 14);
actuator coupled to control means (Col. 9, lines 45 - 52);
link for effecting cooperation (33; Col. 9, lines 52 - 63).

(re: Claim 2) companion means includes a dispensing means (Col. 9, lines 45 - 52).

(re: Claims 3 and 22) communications means for communicating (Col. 8, lines 42 – 60; 109, FIG. 14);
memory means for storing operational information (Col. 7, lines 20 – 55; Col. 9, lines 52 - 63).

(re: Claims 5 and 24) communication means comprises an input access port for providing control by an operator (Col. 8, lines 42 – 67).

(re: Claims 6 and 25) communication means comprises a satellite communication connection with a remote controlling station (Col. 8, lines 42 – 60; 109, FIG. 14).

(re: Claim 18) method for dispensing at least one item of value from an apparatus in cooperation with operation of a companion device comprising providing a control means for controlling a providing (Col. 9, lines 45 – 52; Col . 9, line 64 – Col. 10, line 14).

providing a means for effecting dispensing (Col 9, lines 45 – 52);

providing a link for effecting cooperation (33; Col. 9, lines 52 – 63).

(re: Claim 19(communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus (Col. 8, lines 42 – 60; 109, FIG. 14);

providing a memory means for storing operational information (Col. 7 lines 20 – 55; Col. 9, lines 52 – 63).

(re: Claim 20) communicating a directive comprising a change from a remote locus (Col. 8 lines 42 – 67).

Applicants respectfully traverse the Examiner's rejection of Claims 1 – 3, 5 – 6 and 18 – 20 under 35 U.S.C. 102 (b) as being anticipated by Ramsey. Ramsey discloses a system for an unattended automated service station for selling and dispensing products (primarily motor fuel) wherein a purchaser may purchase and pay by credit card or debit card and may receive change in currency or coins.(Ramsey, Abstract). Ramsey does not teach, disclose, show, suggest, or in any way render obvious the invention as presently claimed in amended independent Claims 1 and 18. New independent Claim 21 specifically claims that the apparatus and the companion device are assembled in a unitary configuration. Ramsey does not dispense an indicium of value. A receipt is not an indicium of value as the term is used in the present application (see Specification; page 6, line 7; page 9, lines 7 – 8).

The claims have been amended in at least two important aspects: (1) the dispensing of at least one indicium of value is now specifically recited as a claim element. It is no longer recited in the preamble of the claims. (2) The dispensing of at least one indicium of value is now specifically recited as occurring responsive to the exercising of an actuator by a user to initiate purchase of a product from the companion device. New Claims 28 – 36 have been added to more specifically claim the apparatus of the present invention in its preferred embodiment involving a newspaper vending device.

Ramsey does not teach, disclose, show, suggest, or in any way render obvious an apparatus for dispensing at least one indicium of value in response to a user initiating purchase of a product. Ramsey does not teach, disclose, show, suggest, or in any way render obvious the apparatus or method of the invention as presently claimed in any of Claims 1, 3 – 8 and 18 - 36 (the claims that remain in the Application). Claims 3 – 8, 19 – 20, 22 – 27 and 29 – 36 depend from allowable independent claims and are, therefore, themselves allowable.

The Examiner continued in the Office Action, rejecting Claims 1 – 3, 5, 18 – 19, 21 – 22 and 24 under 35 U.S.C. 102 (b) as being anticipated by Flubacker (U.S. Patent No. 4,225,056; hereinafter referred to as “Flubacker”). According to the Examiner, Flubacker discloses:

(re: Claims 1 and 21) apparatus for dispensing at least one indicium of value (40 stamp dispensing) in cooperation with an attached companion device a companion device with delivery of a product apparatus (sic) (Col. 3, lines 32 – 53) comprising:

control means for controlling dispensing (Col. 3, lines 54 – 62);

actuator coupled to control means (Col. 4, lines 18 - 46);

link for effecting cooperation (770).

(re: Claim 21) apparatus and companion device assembled in unitary configuration (Col. 3, lines 10 - 52).

(re: Claim 2) companion means includes a dispensing means (Col. 3, lines 32 – 53).

(re: Claims 3 and 22) communications means for communicating (Col. 9, lines 7 – 62);

memory means for storing operational information (Col. 9, lines 7 – 38).

(re: Claims 5 and 24) communication means comprises an input access port for providing control by an operator (Col. 8, line 52 – Col. 9, line 6).

(re: Claim 18) method for dispensing at least one item of value from an apparatus in cooperation with operation of a companion device comprising providing a control means for controlling a providing (Col. 3, lines 54 – 62).

providing a means for effecting dispensing (Col. 3, lines 32 – 53);

providing a link for effecting cooperation (770).

(re: Claim 19) communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus (Col. 9, lines 7 – 62);

providing a memory means for storing operational information (Col. 9, lines 7 – 38).

Applicants respectfully traverse the Examiner's rejection of Claims 1 – 3, 5, 18 – 19, 21 – 22 and 24 under 35 U.S.C. 102 (b) as being anticipated by Flubacker. Flubacker discloses a computerized vending machine for dispensing a large number of varied products. (Flubacker, Abstract) The Examiner characterized the disclosure by Flubacker (at Col. 3, lines 23 – 25) that a stamp dispenser may be included as a feature of his computerized vending. Applicants respectfully submit that Flubacker merely is offering stamps as another product that may be dispensed by his "computerized vending machine for dispensing a large number of products" (Emphasis provided) Applicants respectfully submit that Flubacker's stamps do not satisfy the substantially simultaneous dispensing of an indicium of value and a product

Such arguments are moot however because the claims have been amended in at least two important aspects: (1) the dispensing of at least one indicium of value is now specifically recited as a claim element. It is no longer recited in the preamble of the claims. (2) The dispensing of at least one indicium of value is now specifically recited as occurring responsive to the exercising of an actuator by a user to initiate purchase of a product from the companion device. New Claims 28 – 36 have been added to more specifically claim the apparatus of the present invention in its preferred embodiment involving a newspaper vending device.

Flubacker does not teach, disclose, show, suggest, or in any way render obvious an apparatus for dispensing at least one indicium of value in response to a user initiating purchase of a product. Flubacker does not teach, disclose, show, suggest, or in any way render obvious the apparatus or method of the invention as presently claimed in any of Claims 1, 3 – 8 and 18 - 36 (the claims that remain in the Application). Claims 3 – 8, 19 – 20, 22 – 27 and 29 – 36 depend from allowable independent claims and are, therefore, themselves allowable.

The Examiner continued in the Office Action, rejecting Claims 1 – 3, 7 - 8, 18 – 19, 21 – 22 and 26 - 27 under 35 U.S.C. 102 (e) as being anticipated by Ostgaard (U.S.

Patent No. 5,957,326; hereinafter referred to as “Ostgaard”). According to the Examiner, Ostgaard discloses:

(re: Claims 1 and 21) apparatus for dispensing at least one indicium of value (Col. 3, lines 4 - 15) in cooperation with an attached companion device a companion device with delivery of a product apparatus (sic) (Col. 3, lines 4 – 15) comprising:

control means for controlling dispensing (Col. 4, lines 1 – 25);

actuator coupled to control means (Col. 3, lines 4 - 15);

link for effecting cooperation (Col. 4, lines 1 - 25).

(re: Claim 21) apparatus and companion device assembled in unitary configuration (12; Col. 2, lines 47 - 57).

(re: Claim 2) companion means includes a dispensing means (Col. 3, lines 4 – 15).

(re: Claims 3 and 22) communications means for communicating (Col. 4, lines 1 – 25);

memory means for storing operational information (Col. 4, lines 1 – 25).

(re: Claims 7 and 26) at least one item of value comprises a product sample (Col. 3, lines 4 – 15).

(re: Claims 8 and 27) at least one item comprises a product sample (Col. 3, lines 4 – 15).

(re: Claim 18) method for dispensing at least one item of value from an apparatus in cooperation with operation of a companion device comprising providing a control means for controlling a providing (Col. 4, lines 1 – 25);

providing a means for effecting dispensing means (Col. 3, lines 4 – 15);

providing a link for effecting cooperation (Col. 4, lines 1 - 25).

(re: Claim 19) communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus (Col. 4, lines 1 – 25);

providing a memory means for storing operational information (Col. 4, lines 1 – 25).

Applicants respectfully traverse the Examiner's rejection of Claims 1 – 3, 7 - 8, 18 – 19, 21 – 22 and 26 - 27 under 35 U.S.C. 102 (e) as being anticipated by Ostgaard. Ostgaard discloses a dispensing apparatus for selectively dispensing articles from an inner cavity of a bin. (Ostgaard, Abstract) Ostgaard mentions dispensing coupons. However, Ostgaard regards dispensing coupons as an alternative to dispensing products (see Ostgaard; Col. 3, lines 4 – 15; this passage was cited by the Examiner in the Office Action) Referring to FIG. 1A it is even more clearly set forth that dispensing coupons is an alternative to dispensing products because the instructions on the monitor display 24 read “TOUCH A BUTTON OR ...” (Emphasis provided) Ostgaard does not contemplate substantial contemporaneous dispensing of an indicium of value and deliver of a product.

The claims have been amended in at least two important aspects: (1) the dispensing of at least one indicium of value is now specifically recited as a claim element. It is no longer recited in the preamble of the claims. (2) The dispensing of at least one indicium of value is now specifically recited as occurring responsive to the exercising of an actuator by a user to initiate purchase of a product from the companion device. New Claims 28 – 36

have been added to more specifically claim the apparatus of the present invention in its preferred embodiment involving a newspaper vending device.

Ostgaard does not teach, disclose, show, suggest, or in any way render obvious an apparatus for dispensing at least one indicium of value in response to a user initiating purchase of a product. Ostgaard does not teach, disclose, show, suggest, or in any way render obvious the apparatus or method of the invention as presently claimed in any of Claims 1, 3 – 8 and 18 - 36 (the claims that remain in the Application). Claims 3 – 8, 19 – 20, 22 – 27 and 29 – 36 depend from allowable independent claims and are, therefore, themselves allowable.

The Examiner continued in the Office Action, rejecting Claims 1 – 3, 5, 7 – 8 and 18 – 19 under 35 U.S.C. 102 (e) as being anticipated by Maggard et al. (U.S. Patent No. 6,021,362; hereinafter referred to as “Maggard”). According to the Examiner, Maggard discloses:

(re: Claims 1 and 21) apparatus suitable for dispensing at least one indicium of value in cooperation with an attached companion device, a companion device with delivery of a product apparatus comprising:

control means for controlling dispensing (18);

actuator coupled to control means (74);

link for effecting cooperation (Col. 5, lines 25 - 50).

(re: Claim 2) companion means includes a dispensing means (20).

(re: Claims 3 and 22) communications means for communicating (Col. 8, lines 20 – 37);

memory means for storing operational information (Col. 5, lines 25 – 65).

(re: Claims 5 and 24) communication means comprises an input access port for providing control by a operator (Col. 10, lines 30 – 41).

(re: Claims 7 and 26) at least one item of value comprises a product sample redeemable for at least one second product (Col. 8, lines 20 – 50).

(re: Claims 8 and 27) at least one item comprises a product sample (20).

(re: Claim 18) method for dispensing at least one item of value from an apparatus in cooperation with operation of a companion device comprising providing a control means for controlling a providing (Col. 8, lines 20 – 50); providing a means for effecting dispensing means (Col. 8, lines 37 – 50); providing a link for effecting cooperation (Col. 8, lines 20 - 37).

(re: Claim 19) communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus (Col. 8, lines 37 – 50); providing a memory means for storing operational information (Col. 8, lines 20 – 50).

Applicants respectfully traverse the Examiner's rejection of Claims 1 – 3, 5, 7 – 8 and 18 – 19 under 35 U.S.C. 102 (e) as being anticipated by Maggard. Maggard discloses a system for dispensing sample products and premiums to consumers qualified to receive the sample or premium. (Maggard; Col. 6, lines 23 – 25) Maggard does not

contemplate dispensing an indicium of value substantially contemporaneously with delivery of a product.

The claims have been amended in at least two important aspects: (1) the dispensing of at least one indicium of value is now specifically recited as a claim element. It is no longer recited in the preamble of the claims. (2) The dispensing of at least one indicium of value is now specifically recited as occurring responsive to the exercising of an actuator by a user to initiate purchase of a product from the companion device. New Claims 28 – 36 have been added to more specifically claim the apparatus of the present invention in its preferred embodiment involving a newspaper vending device.

Maggard does not teach, disclose, show, suggest, or in any way render obvious an apparatus for dispensing at least one indicium of value in response to a user initiating purchase of a product. Maggard does not teach, disclose, show, suggest, or in any way render obvious the apparatus or method of the invention as presently claimed in any of Claims 1, 3 – 8 and 18 - 36 (the claims that remain in the Application). Claims 3 – 8, 19 – 20, 22 – 27 and 29 – 36 depend from allowable independent claims and are, therefore, themselves allowable.

The Examiner continued in the Office Action, rejecting Claims 1 – 3, 5 – 6, 18 – 22 and 24 - 25 under 35 U.S.C. 103(a) as being unpatentable over Ramsey in view of Comer et al. (U.S. Patent No. 5,596,501; hereinafter referred to as “Comer”) in which Ramsey discloses the previously discussed and Comer discloses the elements not inherently disclosed by Ramsey of:

(re: Claim 21) apparatus and companion device assembled in unitary configuration (Col. 6, lines 6 – 18).

According to the Examiner, it would have been obvious at the time of the invention for Ramsey to dispense a receipt from the same kiosk attached to the product

dispenser because having the receipt dispenser associated with the product dispenser facilitates pre-connection to sub-systems in a modular kiosk as taught by Comer and come up with the instant invention.

Applicants respectfully traverse the Examiner's rejection of Claims 1 – 3, 5 – 6, 18 – 22 and 24 - 25 under 35 U.S.C. 103(a) as being unpatentable over Ramsey in view of Comer. Comer contributes nothing to render Claims 1, 18, 21 or 28 (the independent claims in the Application) unpatentable. Further, there is no suggestion in either Ramsey or in Comer to combine Ramsey and Comer.

The claims have been amended in at least two important aspects: (1) the dispensing of at least one indicium of value is now specifically recited as a claim element. It is no longer recited in the preamble of the claims. (2) The dispensing of at least one indicium of value is now specifically recited as occurring responsive to the exercising of an actuator by a user to initiate purchase of a product from the companion device. New Claims 28 – 36 have been added to more specifically claim the apparatus of the present invention in its preferred embodiment involving a newspaper vending device.

Neither Ramsey nor Comer nor any combination of Ramsey and Comer teaches, shows, discloses, suggests or in any way renders obvious an apparatus for dispensing at least one indicium of value in response to a user initiating purchase of a product. Neither Ramsey nor Comer nor any combination of Ramsey and Comer teaches, shows, discloses, suggests or in any way renders obvious the apparatus or method of the invention as presently claimed in any of Claims 1, 3 – 8 and 18 - 36 (the claims that remain in the Application). Claims 3 – 8, 19 – 20, 22 – 27 and 29 – 36 depend from allowable independent claims and are, therefore, themselves allowable.

The Examiner continued in the Office Action, rejecting Claims 1 – 6 and 18 – 20 under 35 U.S.C. 103(a) as being unpatentable over Ramsey in view of Phillips et al.

(WIPO Publication WO96/06415; hereinafter referred to as “Phillips”) in which Ramsey discloses the previously discussed and Phillips discloses the elements not inherently disclosed by Ramsey of:

(re: Claims 4 and 23) communication means comprises a telephone connection with a remote controlling station (Page 37, lines 3 – 13).

According to the Examiner, it would have been obvious at the time of the invention for Ramsey to use a telephone to control dispensing because financial verification can result in credit sales as taught by Phillips and come up with the instant invention.

Applicants respectfully traverse the Examiner’s rejection of Claims 1 – 6 and 18 – 20 under 35 U.S.C. 103(a) as being unpatentable over Ramsey in view of Phillips. Phillips discloses a vending machine for vending products which is usable in conjunction with a credit card activated self service fuel dispensing pump on a pump island of a vehicle fueling facility. (Phillips; age 4. lines 30 – 34) Phillips discloses providing a receipt issued by a gas pump for a purchase of fuel that includes a code. (Phillips; page 16, lines 10 – 22) The code can be in the form of a code number (Phillips; page 16, line 16) or in the form of a bar code (Phillips; page 17. line 13). The code number may be input into a vending machine via a keypad to allow the vending machine to dispense goods. (Phillips; page 16, lines 16 – 22) The bar code may be read by a code reader. (Phillips; page 17, lines 13 – 14) Phillips contributes nothing to render Claims 1, 18, 21 or 28 (the independent claims in the Application) unpatentable. There is no suggestion in either Ramsey or in Phillips to combine Ramsey and Phillips.

The claims have been amended in at least two important aspects: (1) the dispensing of at least one indicium of value is now specifically recited as a claim element. It is no longer recited in the preamble of the claims. (2) The dispensing of at least one indicium of value is now specifically recited as occurring responsive to the exercising of an actuator by a user to initiate purchase of a product from the companion device. New Claims 28 – 36

have been added to more specifically claim the apparatus of the present invention in its preferred embodiment involving a newspaper vending device.

Even if Phillips is stretched, it must be recognized that Phillips' receipt is not dispensed until the purchase of fuel is completed. There is no way that a receipt can be generated and dispensed at the initiation of the purchase of a product because it is not known nor can it be known how much the receipt must indicate as the amount of the purchase. No such time limitation is present with the present invention. The invention is clearly and consistently claimed as effecting dispensing of an indicium of value in response to exercising an actuator to initiate a purchase in an attached companion device.

Neither Ramsey nor Phillips nor any combination of Ramsey and Phillips teaches, shows, discloses, suggests or in any way renders obvious an apparatus for dispensing at least one indicium of value in response to a user initiating purchase of a product. Neither Ramsey nor Phillips nor any combination of Ramsey and Phillips teaches, shows, discloses, suggests or in any way renders obvious the apparatus or method of the invention as presently claimed in any of Claims 1, 3 – 8 and 18 - 36 (the claims that remain in the Application). Claims 3 – 8, 19 – 20, 22 – 27 and 29 – 36 depend from allowable independent claims and are, therefore, themselves allowable.

Applicants have reviewed the other art of record (7 patent references) cited by the Examiner. Applicants respectfully submit that none of the art of record individually, or in any combination, teaches, shows, discloses, suggests or in any way renders obvious the invention presently claimed in amended independent Claims 1, 18, 21 or 28. Claims 3 – 8, 19 – 20, 22 – 27 and 29 – 36 depend from allowable claims and are therefore, themselves allowable.

This Response is being filed within two months of the mailing date of the Office Action in order that if an advisory action is not mailed until after the three month shortened statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 C.F.R. 1.136(a) will be calculated from the mailing date of the advisory action.

Since Applicants have fully and completely responded to the Official Action, this Application is now in order for early action and such early action is respectfully requested. If the Examiner would deem a telephone conference to be of value in expediting this Application, he is invited to call the undersigned attorney at (972) 758-1955 at his convenience.

Respectfully submitted,



Donald D. Mondul

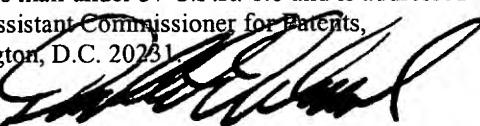
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Washington, D.C. 20231



Donald D. Mondul, Attorney for Applicants